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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

AL LARRY ELEBY,

Defendant and Appellant.

B189958

(Los Angeles County  
Super. Ct. No. BA250172)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Judith L. Champagne, Judge. Affirmed.

Marylou Hillberg, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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We review this case for a second time. A jury convicted Al L. Eleby of multiple counts of assaulting a police officer and resisting arrest arising from two separate melees with law enforcement officers. He was sentenced to an aggregate state prison term of 17 years.

In his first appeal from the judgment, Eleby contended the trial court erred in failing to conduct an in camera review of police personnel files pursuant to Evidence Code sections 1043 and 1045 and *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. We reversed the judgment and remanded to the trial court to conduct an in camera review of the requested personnel files for relevance with respect to complaints concerning the use of excessive force and incidents of dishonesty.<sup>1</sup>

As a result of the in camera review, the trial court found no relevant complaints and reinstated the judgment of conviction. The defense objected on the ground the in camera review was not conducted within 60 days after issuance of the remittitur in violation of Eleby's due process and speedy trial rights.<sup>2</sup> The trial court denied the motion, concluding there was either no delay or at most a two-day delay, and in any event Eleby had suffered no resulting prejudice.<sup>3</sup> This appeal followed.

We appointed counsel to represent him on appeal.

After examination of the record counsel filed an "Opening Brief" in which no issues were raised. On August 3, 2006 we advised Eleby he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

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<sup>1</sup> *People v. Eleby* (Oct. 26, 2005, B175913) [nonpub. opn.].

<sup>2</sup> Penal Code section 1382; *People v. Parnell* (1993) 17 Cal.App.4th 1609.

<sup>3</sup> *Gallenkamp v. Superior Court (People)* (1990) 221 Cal.App.3d 1.

We have examined the entire record, including the reporter's transcript of the in camera review, and are satisfied Eleby's attorney has fully complied with the responsibilities of counsel and no arguable issues exist.<sup>4</sup>

The judgment is affirmed.

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JOHNSON, Acting P. J.

We concur:

WOODS, J.

ZELON, J.

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<sup>4</sup> *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Wende* (1979) 25 Cal.3d 436, 441.